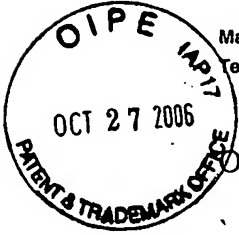


# Vinson&Elkins



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October 24, 2006

**MAIL STOP ISSUE FEE**  
Commissioner for Patents  
P. O. Box 1450  
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## CERTIFICATE OF MAILING

I certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

October 24, 2006  
Date

*Margaret Sampson*  
Margaret Sampson

Re: U. S. Patent Application Serial No. 10/806,494, entitled "Methods for Preventing Photodamaged Skin by Administering Selegiline or Desmethyloselegiline," by Mark G. Resnick  
Our Ref: SOM700/4-009(A)8CON2/64001

Sir:

Enclosed for filing in the above-referenced patent application is:

1. Applicant's Comments on Statement of Reasons for Allowance;
2. Issue Fee Transmittal (in duplicate);
3. Credit Card Payment form; and
4. A return postcard to acknowledge receipt of these documents. Please date stamp and mail this postcard.

The Commissioner is hereby authorized to charge \$1,700.00 as indicated on the enclosed Credit Card Payment Form. If the referenced authorization is inadvertently omitted or deficient under 37 C.F.R. §§ 1.16 to 1.21, the Commissioner is hereby authorized to deduct said fees from VINSON & ELKINS L.L.P. Deposit Account No. 22-0365/SOM700/4-009(A)8CON2/64001.

Respectfully submitted,

*Margaret Sampson*

Margaret J. Sampson  
Reg. No. 47,052

MJS/cp  
Enclosures



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re* Application of:  
Mark G. Resnick

Serial No.: 10/806,494

Filed: March 23, 2004

For: METHODS FOR PREVENTING  
PHOTODAMAGED SKIN BY  
ADMINISTERING SELEGILINE OR  
DESMETHYLSELEGILINE

Group Art Unit: 2768

Examiner: L. Channavajjala

Atty. Dkt. No.: SOM700/4-9(A)8CON2/  
64001

**CERTIFICATE OF MAILING**

I, certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to Box Issue Fee, U.S. Patent and Trademark Office, P. O. Box 2327, Arlington, VA 22202 on the date below:

October 24, 2006  
Date

  
Margaret J. Sampson

**APPLICANT'S COMMENTS ON**  
**STATEMENT OF REASONS FOR ALLOWANCE**

**BOX ISSUE FEE**

U.S. Patent and Trademark Office  
P. O. Box 2327  
Arlington, VA 22202

Sir:

This paper is submitted in response to the Examiner's statement of reasons for allowance in the Notice of Allowance mailed July 25, 2006.

It is believed that no additional fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Vinson & Elkins, Deposit Account No. 22-0365/SOM700/4-9(A)8CON2/64001.

## **COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

In the Notice of Allowance mailed July 25, 2006, the Examiner allowed claims 31-53. The statement of reasons for allowance given by the Examiner included the following:

Instant claims are directed to a method of reducing photodamage to skin cells or a method treating photodamaged skin, resulting from the exposure to electromagnetic or ionizing radiation, comprising administering a composition comprising selegiline and/or desmethylselegiline. Selegiline is known for reducing neuronal apoptosis, particularly for Parkinson's disease, which is mediated by a principal metabolite of selegiline i.e., desmethylselegiline. The prior art of record while recognizing that apoptosis is associated with photoinduced or chronological aging, does not provide any correlation that a reduction or inhibition of apoptosis leads to successful inhibition or reduction of photodamage. In certain instances, the art suggests that apoptotic agents are not anti-apoptotic agents can treat photodamage. Therefore, one of ordinary skill in the art would not have reasonably expected that all anti-apoptotic compounds, including selegiline, to be effective in treating or reducing photodamage to skin cells.

Applicant offers the following comments to clarify the Examiner's statement of reasons for allowance.

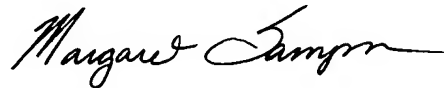
In the instant claims, the following two independent claims have been allowed:

31. A method of reducing photodamage to skin cells of a subject comprising administering a composition comprising selegiline and/or desmethylselegiline to the subject in an amount effective to reduce apoptosis of skin cells exposed to electromagnetic or ionizing radiation.

43. A method of treating a subject for photodamaged skin, wherein the photodamage results from exposure to electromagnetic or ionizing radiation, comprising administering a topical composition comprising selegiline and/or desmethylselegiline to the skin of the subject in an amount effective to reduce oxidative damage resulting from exposure to electromagnetic or ionizing radiation.

While Applicant agrees that selegiline is known for increasing neuronal survival by reducing apoptosis, Applicant wishes to clarify that this activity is possibly mediated by desmethylselegiline, a metabolite of selegiline. Applicant agrees that one of skill in the art would not have had a reasonable expectation of success in reducing photodamage to skin cells or treating photodamaged skin with selegiline and desmethylselegiline based on the art of record.

Respectfully submitted,



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Date: October 24, 2006